

38550

Customer Number

Patent  
Case No.: CGL02/0020US01

#6

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Fox, Eugene J.

Application No.: 10/521,077

Group Art Unit:

Int'l Appl'n No.: PCT/US03/22964

Int'l Filing Date: July 22, 2003

Title: PROCESS FOR SONICATING PLANT SEEDS

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC § 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date

Aug 12, 05

Signed by: Theta MacArthur

Dear Sir:

This is in response to the Notification of Missing Requirements Under 35 USC § 371 in the United States Designated/Elected Office (DO/EO/US). A copy of this Notification is enclosed.

The Notification indicates that the oath or declaration is missing. Therefore, enclosed is an executed Declaration and Power of Attorney for the above-identified application.

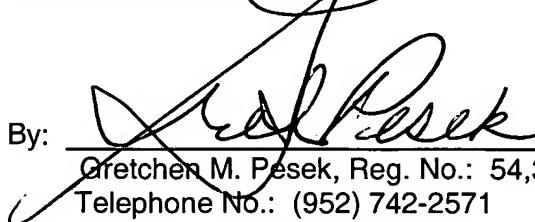
Please charge the surcharge provided in 37 CFR § 1.492(e), and if necessary, charge any additional fees, or credit any overpayment to Deposit Account No. 50-2342.

Respectfully submitted,

Date

By:

Gretchen M. Pesek, Reg. No.: 54,372  
Telephone No.: (952) 742-2571  
CARGILL, INCORPORATED  
Law Department  
P.O. Box 5624  
Minneapolis, MN 55440-5624  
Facsimile No.: (952) 742-6349




Under the Paperwork Reduction Act of 1995, it is persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		<b>Complete if Known</b>	
		Application Number	10/521,077
		Filing Date	July 22, 2003
		First Named Inventor	Fox, Eugene J.
		Examiner Name	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	
TOTAL AMOUNT OF PAYMENT \$130.00		Attorney Docket No. CGL02/0020US01	

**METHOD OF PAYMENT** (check all that apply)

Check     Credit Card     Money Order     None     Other (please identify): \_\_\_\_\_

Deposit Account    Deposit Account Number: 50-2342    Deposit Account Name: Cargill, Incorporated

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below     Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of     Credit any overpayments  
fee(s) under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>	
	<u>Fee (\$)</u>	<u>Small Entity Fee(s)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee(s)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee(s)</u>
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

**2. EXCESS CLAIM FEES**

Fee Description

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>
				<u>Fee (\$)</u>	<u>Fee (\$)</u>
-20 or HP =	X 50	=		50	25
HP = highest number of total claims paid for, if greater than 20.				200	100
Multiple dependent claims				360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
-3 or HP =	X 200	=		<u>Fee (\$)</u> <u>Fee Paid (\$)</u>

HP = highest number of independent claims paid for, if greater than 3.

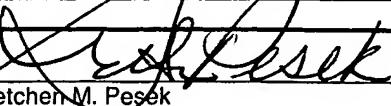
**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 Sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
-100=	/50=	(round up to a whole number) x		

<b>4. OTHER FEE(S)</b>	<b>Fee Paid (\$)</b>
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Late oath or declaration Surcharge	\$130.00

**SUBMITTED BY**

Signature		Registration No. 54,372 (Attorney/Agent)	Telephone (952) 742-2571
Name (Print/Type)	Gretchen M. Pesek	Date	August 12, 2005

08/22/2005 ATRAN1 00000162 502342 10521077

01 FC:1617 130.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

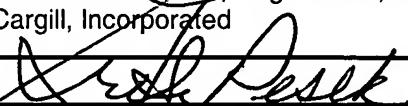
(to be used for all correspondence after initial filing)

		Application Number	10/521,077
		Filing Date	July 22, 2003
		First Named Inventor	Fox, Eugene J.
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	10	Attorney Docket Number	CGL02/0020US01

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Declaration and Power of Attorney under 37 CFR 1.63	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): A copy of Notification of Missing Requirements Under 35 USC 371 and Return-Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement, attached PTO 1449, and _____ references	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Documents	Remarks	
<input checked="" type="checkbox"/> Response to Notification of Missing Requirements under 35 USC 371		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Or Individual name	Gretchen M. Pesek, Reg. No. 54,372 Cargill, Incorporated
Signature	
Date	August 12, 2005

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Theta MacArthur		
Signature		Date	August 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rec'd PCT/PTO 17 AUG 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,077	Eugene J Fox	CGL02/0020US01

INTERNATIONAL APPLICATION NO.

PCT/US03/22964

I.A. FILING DATE	PRIORITY DATE
07/22/2003	07/22/2002

38550  
 CARGILL, INCORPORATED  
 LAW/24  
 15407 MCGINTY ROAD WEST  
 WAYZATA, MN 55391

CONFIRMATION NO. 4426  
 371 FORMALITIES LETTER  
 \*OC000000016260437\*  
 \*OC000000016260437\*

Date Mailed: 06/13/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/12/2005
- Copy of the International Search Report filed on 01/12/2005
- Copy of IPE Report filed on 01/12/2005
- Preliminary Amendments filed on 01/12/2005
- Information Disclosure Statements filed on 01/12/2005
- U.S. Basic National Fees filed on 01/12/2005
- Priority Documents filed on 01/12/2005
- Specification filed on 01/12/2005
- Claims filed on 01/12/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.



ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,077	PCT/US03/22964	CGL02/0020US01

FORM PCT/DO/EO/905 (371 Formalities Notice)